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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,688	05/16/2001	Tatsumi Hiramoto	208674US0	9204
22850	7590 03/29/2005		EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			SHAY, DAVID M	
	1940 DUKE STREET ALEXANDRIA, VA 22314		ART UNIT	PAPER NUMBER
	•		3739	
			DATE MAILED: 03/29/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Commence		09/855,688	HIRAMOTO ET AL.			
	Office Action Summary	Examiner	Art Unit			
		david shay	3739			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)🛛	Responsive to communication(s) filed on October 21, 2004.					
2a)⊠	This action is FINAL . 2b) ☐ This	action is non-final.				
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims	•				
5)□ 6)⊠ 7)□	4) Claim(s) 1-15 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 1-15 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.					
Applicati	on Papers					
9) The specification is objected to by the Examiner.						
10)	10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.					
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority (ınder 35 U.S.C. § 119	,				
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachmen	t(s)					
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
3) 🔲 Inform	e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ate Patent Application (PTO-152)			

Application/Control Number: 09/855,688

Art Unit: 3739

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 6-10, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in combination with Rutan et al. Clark teaches a device providing photodynamic therapy and using filters to control the wavelength of diagnostic and treatment light. Rutan et al. teaches a discharge lamp as claimed. It would have been obvious to the artisan of ordinary skill to employ the lamp of Rutan et al in the device of Clark, since Clark requires no particular source, and since devices such as that of Rutan et al are simpler and easier to manufacture, official notice of which is hereby taken, this producing a device such as claimed.

Claims 4, 5, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark in combination with Rutan et al as applied to claims 1-3, 6-10, and 13-15 are above, and further in view of TOKYO. TOKYO teaches adding Rubidium halide and Potassium halide to a lamp containing sodium halide. It would have obvious to the artisan of ordinary skill to use Rubidium halide and Potassium halide in the lamp of Rutan et al, since this provides a more stable output and a longer bulb life, as taught by TOKYO, thus producing a device such as claimed.

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Application/Control Number: 09/855,688 Page 3

Art Unit: 3739

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to david shay at telephone number (571) 272-4773.

DAVID M. SHAY PRIMARY EXAMINER